

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TERESA WOJCIK, on behalf of herself	)	
and all others similarly situated,	)	
	)	
Plaintiffs,	)	Case No. 1:15-cv-02612
	)	
v.	)	Honorable Gary Feinerman
	)	
CROWN CASTLE USA, INC.,	)	Magistrate Judge Sheila Finnegan
	)	
Defendants.	)	

**Defendant's 12(b)(1) Motion to Dismiss/Stay Litigation Pending Supreme Court Ruling**

Defendant Crown Castle USA Inc. ("Defendant" or "Crown Castle"), by its undersigned counsel, herby moves to dismiss Plaintiff's claims pursuant to Fed. Rule Civ. P. 12(b)(1) and stay this case pending the Supreme Court's ruling in *Campbell Ewald Co. v. Gomez*, No. 14-847, 2015 WL 246885 (May 18, 2015). In support of this Motion, as detailed in its accompanying Memorandum filed herewith, Crown Castle asserts as follows:

1. On September 3, 2015, Crown Castle served an offer of judgment constituting full relief in this action upon Plaintiff. This offer of judgment was served before any class or collective action had been certified, and before any motion for class or collective action treatment had been filed.

2. Plaintiff did not respond to this Offer of Judgment, and it lapsed pursuant to its terms.

3. In *Campbell Ewald Co. v. Gomez*, Case No. 14-847, the Supreme Court will address, among other things, whether an unaccepted offer of judgment for full relief moots the individual claims and the potential class claims.

4. In the event that the Supreme Court holds that an unaccepted offer of judgment does moot the claim, then this Court will lack jurisdiction over Plaintiff's claims pursuant to Fed. R. Civ. P. 12(b)(1) and the action must be dismissed.

5. Due the potential impact of the Supreme Court's *Gomez* decision, Crown Castle moves to stay this case pending the Supreme Court's ruling, and files this motion to preserve its 12(b)(1) dismissal argument.

6. For further grounds supporting this Motion, please see the accompanying Memorandum of Law, and accompanying exhibits, which are incorporated herein by reference.

**WHEREFORE**, Crown Castle respectfully asks the Court to stay this matter pending the Supreme Court's ruling in *Gomez*, and dismiss this action in its entirety in the event that the Supreme Court determines that an offer of full relief moots the case or controversy.

DATED: September 30, 2015.

Respectfully submitted,

By: Michael D. Ray  
One of the Attorneys for Defendant  
**CROWN CASTLE USA INC.**

Harry J. Secaras (ARDC No. 6201861)  
Michael D. Ray (ARDC No. 6285109)  
Colleen G. DeRosa (ARDC No. 6301589)  
**OGLETREE, DEAKINS, NASH,**  
**SMOAK & STEWART, P.C.**  
155 North Wacker Drive, Suite 4300  
Chicago, Illinois 60606  
Telephone: 312.558.1220  
Facsimile: 312.807.3619  
*harry.secaras@ogletreedeakins.com*  
*michael.ray@ogletreedeakins.com*  
*colleen.derosa@ogletreedeakins.com*

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on September 30, 2015, a true and correct copy of the foregoing *Defendant's Motion to Dismiss/Stay* was filed electronically with the Clerk of Court using the ECF system, which sent notification of such filing to:

THE LAW OFFICES OF NICHOLAS C. SYREGELAS  
Nicholas C. Syregelas  
Kyle R. Kasmarick  
19 North Green Street  
Chicago, IL 60607  
[ns@syregelaslaw.com](mailto:ns@syregelaslaw.com)  
[kkasmarick@syregelaslaw.com](mailto:kkasmarick@syregelaslaw.com)

EDELSON PC  
Eve-Lynn J. Rapp  
Rafey S. Balabanian  
Benjamin H. Richman  
Jay Edelson  
350 North LaSalle Street  
Suite 1300  
Chicago, IL 60654  
[erapp@edelson.com](mailto:erapp@edelson.com)  
[rbalabanian@edelson.com](mailto:rbalabanian@edelson.com)  
[brichman@edelson.com](mailto:brichman@edelson.com)  
[jedelson@edelson.com](mailto:jedelson@edelson.com)

*Attorneys for Plaintiff*

/s/ Michael D. Ray

22532843.1